IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

SUIT NO.589 OF 1995

M/s.Nagi Engineers & ors. Plaintiffs
vs.
B. G. Koshy Defendant

Ms.T.K.Bhairagdar i/b.Mr.M.M.Vashi for the plaintiffs.

Mr.G.S.Hiranandani i/b.Mr.C.N.Nair for the defendant.

CORAM : ANOOP V. MOHTA,J.

DATED : 3rd April, 2007

P.C.

The matter has been adjourned from time to time for settlement since 2003. Last chance was also granted. Even otherwise, the suit is for declaration of the cheque in question drawn in favour of the defendants as invalid and without any monetary consideration. In the facts and circumstances of the case, even on merits, a declaration cannot be granted in the suit. The second prayer is for mandatory order and injunction to return the said cheque which is also not sustainable and such relief also cannot be granted in the suit. There is no question of granting any restraint order of initiating any criminal prosecution as prayed in third prayer. Admittedly there is no interim order in favour of the plaintiffs. Notice of motion itself was withdrawn.

2. In view of the above, there is no substance in the suit. The Suit is dismissed on merits.

[ANOOP V. MOHTA,J.]